

ESTTA Tracking number: **ESTTA328676**

Filing date: **01/25/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91187042
Party	Defendant ZENTIS GmbH & Co. KG
Correspondence Address	STEVEN E. KLEIN STOEL RIVES LLP 900 SW 5TH AVE STE 2600 PORTLAND, OR 97204-1268 UNITED STATES seklein@stoel.com, tmpdx@stoel.com, PPHARTIGAN@stoel.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Steven E. Klein
Filer's e-mail	seklein@stoel.com, pphartigan@stoel.com, tmpdx@stoel.com
Signature	/Steven E. Klein/
Date	01/25/2010
Attachments	Mot for Ext.PDF (3 pages)(76364 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application Serial No. 77/230,379

For the mark belFRUIT

Published in the Official Gazette of June 24, 2008

UNIFINE F & Bi B.V.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91187042
)	
ZENTIS GmbH & Co. KG,)	
)	
Applicant.)	
)	

**MOTION FOR AN EXTENSION OF
DISCOVERY AND TRIAL PERIODS WITH CONSENT**

Initial Disclosures are due in the above proceeding on January 25, 2010 and Discovery is currently set to close on July 24, 2010. Zentis GmbH & Co. KG requests that such dates be extended for 30 days and that all subsequent dates be reset accordingly as follows:

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	02/24/2010
Expert Disclosure Due :	07/24/2010
Discovery Closes :	08/23/2010
Plaintiff's Pretrial Disclosures :	10/07/2010
Plaintiff's 30-day Trial Period Ends :	11/21/2010
Defendant's Pretrial Disclosures :	12/21/2010
Defendant's 30-day Trial Period Ends :	01/20/2011
Plaintiff's Rebuttal Disclosures :	02/04/2011
Plaintiff's 15-day Rebuttal Period Ends :	03/06/2011

The reason for this request is that the parties are engaged in settlement discussions. It is not made for the purpose of delay.

ZENTIS GmbH & Co. KG has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

ZENTIS GmbH & Co. KG has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board:

dbk@kirschsteinlaw.com	(Counsel for Opposer)
seklein@stoel.com	(Counsel for Applicant)

DATED: January 25, 2010

Respectfully submitted,

By: 

Steven E. Klein
STOEL RIVES LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204
(503) 224-3380
seklein@stoel.com

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing MOTION FOR AN EXTENSION OF DISCOVERY AND TRIAL PERIODS WITH CONSENT on the following-named persons on the date indicated below by mailing with postage prepaid to said persons a true copy thereof, contained in a sealed envelope, addressed to said person at their last-known address indicated below, and by email to their last-known email address indicated below:

David B. Kirschstein
Kirschstein Ottinger Israel & Schiffmiller, P.C.
425 Fifth Avenue, 5th Floor
New York, NY 10016-2223
dbk@kirschsteinlaw.com

Counsel for Opposer

DATED: January 25, 2010

STOEL RIVES LLP

By: 

Steven E. Klein
STOEL RIVES LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204
(503) 224-3380

Attorneys for Applicant